

AMENDED IN SENATE JUNE 16, 2008

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MAY 23, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 582

Introduced by Assembly Member Evans

February 21, 2007

~~An act to amend Sections 8030.4 and 8030.6 of the Business and Professions Code, and to amend Sections 69950 and 69951 of, and to add Section 69951.5 to, the Government Code, relating to court transcription fees, and making an appropriation therefor. An act to amend Section 8632.5 of, and to add Section 8639 to, the Family Code, relating to adoption.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 582, as amended, Evans. ~~Court transcription fees. Adoption facilitators.~~

Existing law provides a comprehensive scheme regarding adoption regulation, and also provides for the regulation of adoption facilitators, as defined. Existing law also requires the State Department of Social Services to establish and adopt regulations for a statewide registration process for adoption facilitators.

This bill would require the department to also establish and adopt regulations for a statewide enforcement process for adoption facilitators.

The bill would also require the process to include a means for removing adoption facilitators from the adoption facilitator registry.

Existing law permits the department to deny inclusion in the registry for adoption facilitators to an applicant who has been convicted of any crime for which the department may deny a license to an adoption agency.

This bill would provide that the department may deny or revoke inclusion in the registry for adoption facilitators to an applicant who does not possess a criminal record clearance or exemption issued by the department, as specified, and the criminal record clearance regulations applicable to personnel of private adoption services. The bill would also state that criminal record clearances and exemptions granted to adoption facilitators are not transferable.

Existing law requires a person, prior to engaging in the business of or acting in the capacity of an adoption facilitator, to obtain a business license in the appropriate jurisdiction and be bonded, as specified. Existing law also requires the adoption facilitator to file a disclosure form when posting a bond, as specified. Under existing law, along with that disclosure form, the adoption facilitator must provide proof that the facilitator and any member of the staff who provides direct adoption services has a minimum of 3 years of experience employed by a public or private adoption agency, a registered adoption facilitator, or an adoption attorney who assists in bringing adopting persons and placing parents together for the purpose of adoption placement.

This bill would specify that the minimum of 3 years of experience described in that provision must be as an employee of a public or private adoption agency that is licensed by the department.

Existing law also permits an adoption facilitator or staff member subject to that requirement to waive the educational and experience requirements, as specified, including by acquiring over 5 years of work experience providing direct adoption services.

This bill would also specify that the 5 years of work experience must be in providing direct adoption services for a licensed adoption agency.

This bill would also provide that any adoption facilitator who operates without having met certain requirements may be fined \$100 per day, as specified.

~~(1) Existing law establishes the Court Reporters Board of California and makes that board responsible for issuing a certificate to practice shorthand reporting to qualified applicants. Under existing law, until July 1, 2009, excess funds, as specified, generated by the initial~~

~~certificate fee collected by the board are used to provide shorthand reporting services for indigent persons, as defined, and are transferred from the Court Reporters' Fund into the Transcript Reimbursement Fund, a continuously appropriated fund, for expenditure for that purpose. Under existing law, an applicant, as defined, does not include a person appearing pro se to represent himself or herself at any stage of the case. Under existing law, the maximum amount reimbursable from the Transcript Reimbursement Fund may not exceed \$20,000 per case per year.~~

~~This bill would, instead, provide that the term "applicant" includes an unrepresented indigent person. The bill would prohibit an unrepresented indigent person from receiving funds from the Transcript Reimbursement Fund if that fund contains an amount equal to or less than an unspecified amount. The bill would also provide that an applicant who is a qualified legal services project, qualified support center, other qualified project, or pro bono attorney, as defined, may apply to receive funds regardless of whether the applicant is representing a person who appeared pro se at any stage of the case. The bill would provide that for an applicant who appears pro se and is not represented by a qualified legal services project, qualified support center, other qualified project, or pro bono attorney, the maximum amount reimbursable from the fund may not exceed \$1,000 per year. By authorizing the expenditure of money in a continuously appropriated fund for a new purpose, the bill would make an appropriation. The bill would also make technical, nonsubstantive changes to these provisions.~~

~~(2) Existing law establishes the fees for obtaining court transcriptions. Under existing law, the fee for the original printed copy of the court transcript is 85¢ for each 100 words, and for each copy purchased at the same time by a court, party, or other person purchasing the original, 15¢ for each 100 words. Under existing law, the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original is 20¢ for each 100 words, and for each additional copy, purchased at the same time, 15¢ for each 100 words. Existing law also provides that for a transcript in a civil case, an official court reporter or official court reporter pro tempore may charge an additional 50% for special daily copy service.~~

~~This bill would provide that these fees shall apply until June 30, 2009, unless moneys for any cost increase in transcription fees for the courts are appropriated in the annual Budget Act or subsequent legislation. The bill would provide that if moneys are appropriated for that cost~~

~~increase to the courts, then from July 1, 2008, to June 30, 2009, inclusive, the fee for the original printed court transcript shall be \$2.93 per page, and the fee for a each copy purchased at the same time as the original transcript by a court, party, or other person shall be 52¢ per page, and the fee for a first copy of the transcript to a court, party, or other person who does not simultaneously purchase the original shall be 69¢ per page, and for each additional copy purchased at the same time shall be 52¢ per page. The bill would also provide that from July 1, 2009, to June 30, 2010, inclusive, and on and after July 1, 2011, these costs shall increase in an unspecified amount. The bill would provide that on or before June 30, 2011, and every June 30 thereafter, these costs shall be increased according to the cumulative increase in the Consumer Price Index for All Urban Consumers, as specified. The bill would further provide that the fee for transcription is an additional 50% for the special daily copy service.~~

~~This bill would require that a transcript prepared by an official reporter or official reporter pro tempore employed by a court shall be subject to a specified format.~~

~~This bill would also make legislative findings and declarations that in order to ensure full and fair compensation of official court reporters and court reporters pro tempore employed by the courts, and in order to attract and retain official court reporters and court reporters pro tempore employed by the courts that have sufficient skills and competence to serve the needs of the justice system, it is imperative that the system of dual compensation for official court reporters and court reporters pro tempore employed by the courts provide sufficient payment for transcription services.~~

~~Vote: majority. Appropriation: yes-no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8632.5 of the Family Code is amended
- 2 to read:
- 3 8632.5. (a) The department shall establish and adopt
- 4 regulations for a statewide registration *and enforcement* process
- 5 for adoption facilitators. The department shall also establish and
- 6 adopt regulations to require adoption facilitators to post a bond as
- 7 required by this section.

(b) The department may adapt the process it uses to register adoption service providers in order to provide a similar registration process for adoption facilitators. The process used by the department shall include a procedure for determining the status of bond compliance by adoption facilitators, a means for accepting or denying organizations seeking inclusion in the adoption facilitator registry, *a means for removing adoption facilitators from the adoption facilitator registry* and an appeals process for those entities denied inclusion in *or removed from* the adoption facilitator registry. The department may deny *or revoke* inclusion in the registry for adoption facilitators to an applicant who ~~has been convicted of any crime for which the department may deny a license to an adoption agency~~ *does not possess a criminal record clearance or exemption issued by the department pursuant to Section 1522 of the Health and Safety Code and the criminal record clearance regulations applicable to personnel of private adoption agencies. Criminal record clearances and exemptions granted to adoption facilitators are not transferable.*

(c) Upon the establishment by the department of a registration process, all adoption facilitators that operate independently from a licensed public or private adoption agency or an adoption attorney in this state shall be required to register with the department.

(d) An adoption facilitator, when posting a bond, shall also file with the department a disclosure form containing the adoption facilitator's name, date of birth, residence address, business address, residence telephone number, business telephone number, and the number of adoptions facilitated for the previous year. Along with the disclosure form, the adoption facilitator shall provide all of the following information to the department:

(1) Proof that the facilitator and any member of the staff who provides direct adoption services has completed two years of college courses, with at least half of the units and hours focusing on social work or a related field.

(2) Proof that the facilitator and any member of the staff who provides direct adoption services has a minimum of three years of experience employed by a public or private adoption agency *licensed by the department*, a registered adoption facilitator, or an adoption attorney who assists in bringing adopting persons and placing parents together for the purpose of adoption placement.

1 (A) An adoption facilitator and any member of the staff subject
2 to this paragraph may waive the educational and experience
3 requirements by satisfying all of the following requirements:

4 (i) He or she has over five years of work experience providing
5 direct adoption services *for a licensed adoption agency*.

6 (ii) He or she has not been found liable of malfeasance in
7 connection with providing adoption services.

8 (iii) He or she provides three separate letters of support attesting
9 to his or her ethics and work providing direct adoption services
10 from any of the following:

11 (I) A licensed public or private adoption agency.

12 (II) A member of the Academy of California Adoption Lawyers.

13 (III) The State Department of Social Services.

14 (B) An adoption facilitator who is registered with the department
15 may also register staff members under the designation of “trainee.”
16 A trainee may provide direct adoption services without meeting
17 the requirements of this paragraph. Any trainee registered with the
18 department shall be directly supervised by an individual who meets
19 all registration requirements.

20 (3) A valid business license.

21 (4) A valid, current, government-issued identification to
22 determine the adoption facilitator’s identity, such as a California
23 driver’s license, identification card, passport, or other form of
24 identification that is acceptable to the department.

25 (5) Fingerprint images for a background check to be used by
26 the department for the purposes described in this section.

27 (e) The State Department of Social Services may submit
28 fingerprint images of adoption facilitators to the Department of
29 Justice for the purpose of obtaining criminal offender record
30 information regarding ~~state-and~~ *state- and* federal-level convictions
31 and arrests, including arrests for which the Department of Justice
32 establishes that the person is free on bail or on his or her
33 recognizance pending trial or appeal.

34 (1) The Department of Justice shall forward to the Federal
35 Bureau of Investigation requests for federal summary criminal
36 history information received pursuant to this section. The
37 Department of Justice shall review the information returned from
38 the Federal Bureau of Investigation and compile and disseminate
39 a response to the department.

1 (2) The Department of Justice shall provide a response to the
2 department pursuant to subdivision ~~(n)~~ (m) of Section 11105 of
3 the Penal Code.

4 (3) The department shall request from the Department of Justice
5 subsequent arrest notification service, as provided pursuant to
6 Section 11105.2 of the Penal Code.

7 (4) The Department of Justice shall charge a fee sufficient to
8 cover the cost of processing the request described in this section.

9 (5) *The department may only release an applicant's criminal*
10 *record information search response as provided in subparagraph*
11 *(G) of paragraph (4) of subdivision (a) of Section 1522 of the*
12 *Health and Safety Code.*

13 (f) The department may impose a fee upon applicants for each
14 set of classifiable fingerprint cards that it processes pursuant to
15 paragraph (5) of subdivision (d).

16 (g) The department shall post on its Internet Web site
17 ~~information that shows if an adoption facilitator is the registration~~
18 ~~and bond requirements required by this chapter and a list of~~
19 ~~adoption facilitators in compliance with the registration and bond~~
20 ~~requirements of this chapter. The department shall ensure that the~~
21 ~~information is current and shall update the information at least~~
22 ~~once every 30 days. However, pursuant to the provisions of Section~~
23 ~~11142 of the Penal Code, neither the department nor any employee~~
24 ~~of the department shall reveal the state summary criminal history~~
25 ~~record or any information from the record to a member of the~~
26 ~~public.~~

27 (h) The department shall develop the disclosure form required
28 pursuant to subdivision (d) and shall make it available to any
29 adoption facilitator posting a bond.

30 (i) The department may charge adoption facilitators an annual
31 filing fee to recover all costs associated with the requirements of
32 this section and that fee shall be set by regulation.

33 (j) The department may create an Adoption Facilitator Account
34 for deposit of fees received from registrants.

35 (k) On or before January 1, 2008, the department shall make
36 recommendations for the registry program to the Legislature,
37 including a recommendation on how to implement a department
38 program to accept and compile complaints against registered
39 adoption facilitators and to provide public access to those

1 complaints, by specific facilitator, through the department's
2 Internet Web site.

3 (l) The adoption facilitator registry established pursuant to this
4 section shall become operative on the first day of the first month
5 following an appropriation from the Adoption Facilitator Account
6 to the State Department of Social Services for the startup costs
7 and the costs of administration of the adoption facilitator registry.

8 *SEC. 2. Section 8639 is added to the Family Code, to read:*

9 *8639. (a) Notwithstanding any other provision of this chapter,*
10 *any adoption facilitator who operates without having met the*
11 *requirements established in Section 8632.5 for inclusion into the*
12 *adoption facilitator registry may be assessed by the department*
13 *an immediate civil penalty in the amount of one hundred dollars*
14 *(\$100) per day of the violation.*

15 *(b) The civil penalty authorized in subdivision (a) shall be*
16 *imposed if an adoption facilitator is involved in the facilitation of*
17 *adoptions and the adoption facilitator refuses to seek inclusion in*
18 *the adoption facilitator registry or if the adoption facilitator's*
19 *application for inclusion into the adoption facilitator registry is*
20 *denied and the adoption facilitator continues to facilitate*
21 *adoptions, unless other available remedies, including criminal*
22 *prosecution, are deemed more effective by the department.*

23 *(c) An adoption facilitator may appeal the assessment to the*
24 *director.*

25 *(d) The department shall adopt regulations implementing this*
26 *section, including the appeal process authorized in subdivision*
27 *(c).*

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<p>All matter omitted in this version of the bill appears in the bill as amended in Assembly, June 01, 2007 (JR11)</p>
